

**REMARKS**

Claims 1-24 remain pending in this application. Claims 1-24 are rejected. Claims 1 and 10 are objected to. Claims 5 and 10 are amended herein to address matters of form unrelated to substantive patentability issues.

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on December 11, 2007, and extend their thanks to the Examiner and his Supervisor for their time and consideration.

During the interview, the Examiner and his Supervisor indicated that upon further consideration, the finality of the rejections would be withdrawn, based upon a determination that, at least, no anticipation rejection was properly made. The Examiner's supervisor requested that applicant respond in the form of an Amendment after Final Rejection, indicating however, that the finality of the Office Action would be withdrawn, thereby guaranteeing entry of an amendment. This assurance was given in reply to concerns raised by applicant's counsel that if an Amendment after Final Rejection were to be refused entry at the discretion of the Examiner, the application would be considered abandoned, as this response is being made at the end of the six month statutory period with no time remaining for a subsequent reply if not entered. Therefore, while styled as a Amendment after Final Rejection, applicant expects that this amendment will be entered and considered on the merits, in light of the Examiners admission that the cited primary Walker et al.

reference fails to teach each and every element of even the broadest claim of the claimed invention.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

Claims 1 and 10 are objected to for noted alleged informalities. Applicant respectfully traverses the Examiner's position that "accommodatable" (variation of "accommodate") is spelled incorrectly. The Examiner has offered no authority for his unsubstantiated assertion, nor has he indicated a suggested replacement spelling. Applicant has checked the spelling, and confirms that it is indeed correct. Claim 10 is amended to correct an awkward phrase occasioned by the last amendment which inadvertently failed to delete the ending phrase "into the game machine," which no longer has meaning outside the context of the previously claimed manner. Therefore, withdrawal of the objections is respectfully requested.

Claim 5 is rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of an informality stated in the Office Action. The claim is amended to remove or correct the informality noted in the Office Action. Therefore, reconsideration of the rejection of claim 5 and its allowance are earnestly requested.

Claims 1-6, 8-18, 22 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Walker et al. (US 2002/0196342 A1). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art

reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claim recites in pertinent part the following:

a game machine operable by the player for playing the game, said game machine communicating the result of the game to the player, the game machine including a photographing request input device that is operable by the player after the game machine communicates the result to the player, the game machine further including an indicator responsive to the player operating the photographing request input device which indicates a request for recording an image of the player;

a photographing apparatus for recording an image of the player; and

a portable device including a display for visually displaying result data representative of the result of the game, said portable device being

accommodatable on a person of the player such that said display is visible within a field of the image of the player when said image is taken by said photographing apparatus.

The Walker et al. reference is devoid of teaching relating to an indicator responsive to a player operating a photographing request input device which indicates a request for recording an image of the player, and with regard to the provision of a portable device including a display for visually displaying result data representative of the result of the game, wherein the portable device is accommodatable on a person of the player such that the display is visible within a field of the image of the player when an image is taken by said photographing apparatus.

Independent claim 18 recites in pertinent part the following:

limiting a photographer to a clerk in charge of photographing who is admitted to execute photographing in a game hall;

displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, a winning multiplication of contents of a game on the game machine or a display apparatus; and

photographing the player and the game machine or the display apparatus, which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in one frame.

It is respectfully submitted that the Walker et al. reference is devoid of teaching relating to a process which includes photographing the player, and the game machine or the display apparatus which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in one frame. Rather, in Walker et al., the data relating to a contents of a game is assigned to an already taken photograph of only the player, and not the contents of the game.

Moreover, the Examiner has conceded during the interview had with applicant's counsel, on December 11, 2007, that the Walker et al. reference does not teach sufficient subject matter to properly substantiate an anticipation rejection of the claims presently rejected.

Claims 1 and 18 (and remaining claims dependent therefrom) each particularly describes and distinctly claims at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejection of claims 1-6, 8-18, 22 and 24 and their allowance are respectfully requested.

Claims 7, 19-21 and 23 are rejected as obvious over Walker et al. (2002/0196342 A1) in view of Walker et al. (2002/0128057 A1) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Walker et al. reference does not provide the teaching noted above with respect to the anticipation rejection that is absent from the primary Walker et al. reference.

The secondary Walker et al. reference ('057) is relied upon by the Examiner for allegedly providing teaching admittedly missing from the primary Walker et al. reference ('342). These elements which the Examiner acknowledges are lacking in Walker ('342) include a cart, a camera on the cart, a photographing request input device and portable device including a display for visually displaying result data representative of the result of the game provided in addition to the game machine itself. Applicant respectfully submits that none of these elements lacking in the primary Walker et al. reference are to be found in the secondary Walker et al. reference. Furthermore, the Examiner's arguments which state that common sense would dictate the provision of all these elements, clearly lacking written support in the cited combination, amount to nothing more than impermissible hindsight. In this

regard, the Examiner is respectfully requested to identify where in the secondary Walker et al. reference these distinctly claimed elements can be found, should the Examiner repeat these rejections on the same grounds in a subsequent action.


Thus, based upon the foregoing, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 7, 19-21 and 23 and their allowance are respectfully requested.

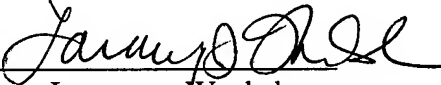
Applicant respectfully requests a three (3) month extension of time for responding to the Office Action. Please charge the fee of \$1050 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form  
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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